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REMARKS

Claims 1 to 17 and 19 are pending. No claims are allowed and claims 2 to 4 are canceled.

1. First, the Applicants would like to thank Examiner Michael Cleveland for the time he took on October 22, 2003, to discuss the merits of the application with their attorney. The substance of the interview was as indicated on the form PTOL-413 handed to the attorney by Examiner Cleveland.

2. Claims 1 to 4, 7 to 16, 18 and 19 stand rejected under 35 USC 102(b) as being anticipated by Tong et al. (U.S. Patent No. 5,464,453). The Tong et al. patent teaches that it is beneficial to dissolve a ruthenium halide-containing compound, such as ruthenium trichloride, in a solvent for the purpose of providing a high surface area, electrically conducting material. However, the accompanying declaration proves that the resulting ruthenium oxide coated substrate would contain undesirable contaminants that would not make a desirable electrode for a capacitor. Accordingly, amended independent claim 1 calling for ruthenium nitrosyl nitrate dissolved in an aqueous solvent is believed to be patentable over Tong et al. Claims 7 to 16 and 19 are allowable as hinging from a patentable base claim. Claims 2 to 4 are canceled.

Reconsideration of this rejection is requested.

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3. Claims 5 and 19 stand rejected under 35 USC 103(a) as being unpatentable over Tong et al. in view of Spitz et al. (U.S. Patent No. 3,840,391). The Tong et al. patent has already been discussed. Spitz et al. teaches a method for the preparation of thin films by ultrasonically vaporizing solutions into an aerosol. At column 4, line 28+, an example of the formation of ferric oxide thin films as photo masks is described. This is accomplished by heating an aqueous solution of ferric chloride ($FeCl_3$) on a substrate at a minimum temperature of 450°C.

However, claims 5 and 19 depend from independent claim 1, which is believed to be patentable in its amended form. For that reason, claims 5 and 19 are allowable as hanging from a patentable base claim.

Reconsideration of this rejection is requested.

4. Claims 6 and 17 stand rejected under 35 USC 103(a) as being unpatentable over Tong et al. in view of Evans (U.S. Patent No. 5,369,547). The Tong et al. patent has already been discussed. Evans relates to a capacitor made from a solution of hydrated ruthenium chloride dissolved in isopropyl alcohol and sprayed onto a heated substrate. If desired, a chloride of tantalum is added to the solution. Evans admits at column 6, lines 27 to 30, that the process of their invention is "conventional".

As previously discussed, a system containing a halide is detrimental to the final product, as shown in the accompanying declaration. For that reason, independent

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claim 1 has been amended to set forth that ruthenium nitrosyl nitrate is dissolved in an aqueous system. This solution is then ultrasonically deposited on a heated substrate for the purpose of providing the product ruthenium-containing compound.

Therefore, amended independent claim 1 is believed to be patentable over this combination of patent references. Claims 6 and 17 are allowable as hinging from patentable base claims.

Reconsideration of this rejection is requested.

5. The previously filed terminal disclaimer with respect to U.S. Patent No. 6,224,985 to Shah et al. is believed to be sufficient for allowance of the newly amended claims over that patent.

Confirmation of this is requested.

6. The previously filed terminal disclaimer with respect to copending application Serial No. 10/290,598 is believed to be sufficient for allowance of the newly amended claims over that application.

Confirmation of this is requested.

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It is believed that claims 1, 5 to 17 and 19 are now in condition for allowance. Notice of Allowance is requested.

Respectfully submitted,



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